

Minutes
Catawba County Board of Commissioners
Regular Session, Monday, November 4, 2002, 9:30 a.m.

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The Catawba County Board of Commissioners met in regular session on Monday, November 4, 2002, 9:30 a.m., at the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chairman W. Steve Ikerd, Vice-Chair Marie H. Huffman, and Commissioners Katherine W. Barnes, Barbara G. Beatty and Dan A. Hunsucker.

Absent: None.

A quorum was present.

Also present were County Manager/Deputy Clerk J. Thomas Lundy, Deputy County Manager Steven D. Wyatt, Assistant County Manager Mick W. Berry, County Attorney Robert Oren Eades, and County Clerk Thelda B. Rhoney.

1. Chairman Ikerd called the meeting to order at 9:30 a.m.
2. Invocation was offered by Commissioner Huffman.
3. Commissioner Barnes made a motion to approve the minutes from the regular session of Monday, October 21, 2002. The motion carried unanimously.
4. Special Guests and Public Comment:

Chairman Ikerd recognized Candidates Lynn Lail and Glenn Barger. He also recognized Mr. Lewis Woods and said there was a very good article about Mr. Woods in the October 2002 *Viewpoint Magazine*.

- a. Chairman Ikerd made a motion to adopt a resolution of recognition for Tomoe Ariga. The motion carried unanimously.

Chairman Ikerd presented the resolution to Ms. Ariga as well as a Key to the County.

**RESOLUTION NO. 2002-27
A RESOLUTION RECOGNIZING TOMOE ARIGA,
A JAPANESE LOCAL CIVIL SERVANT FROM
FUKUSHIMA, JAPAN**

WHEREAS, Tomoe Ariga is a resident and employee of Fukushima Prefecture Taxation Department, Japan; and

WHEREAS, Ms. Ariga is participating in a two-week study program coordinated by the Fukushima Prefectural Government, CLAIR, the Japan Local Government Center, and the International Center, Council of State Governments; and

WHEREAS, as a part of her study program, Ms. Ariga is staying in Catawba County observing and participating in the daily operations of Catawba County Government and other local agencies, and has been enjoying a home stay experience in Catawba County; and

WHEREAS, the employees and officials of Catawba County are pleased to have this opportunity to share our knowledge and culture with Ms. Ariga and will cherish forever their memories of her; and

WHEREAS, the Catawba County Board of Commissioners recognizes this visit as a bridge promoting the exchange of information, ideas, and culture; and the Board desires to recognize Tomoe Ariga.

NOW, THEREFORE, BE IT RESOLVED THAT, I, W. Steve Ikerd, Chairman of the Catawba County Board of Commissioners, on behalf of the entire Board and the citizens of Catawba County, hereby extend to Tomoe Ariga our warm and cordial welcome to Catawba County.

This the 4th day of November, 2002.

/s/ W. Steve Ikerd, Chairman

Ms. Ariga thanked the Board for the resolution and for the opportunity to visit Catawba County and learn about the elderly, taxes, landfill operations, and GIS.

County Manager J. Thomas Lundy said since 1990, Catawba County has hosted Japanese officials. Ms. Ariga is the sixth official and has been staying with the Lundys.

b. Recognition of Mini Course Graduates.

Personnel Director Debbie L. Bradley said there were 19 Mini-course graduates. The program began in the mid 80s. County employees volunteered to participate on their lunch hour at various locations. The purpose of the course is to introduce employees to the services each County department provides. The graduates will also be honored at a luncheon on Wednesday, November 13th at the Catawba Country Club. She recognized the following: Teri Armstrong, Social Services; Ed Barton, Utilities and Engineering; Cynthia Blackburn, Mental Health; Patricia Cruz, County Manager's office; Vinnie Duncan, Finance; Barbara Edmonson, Mental Health; Rick Frady, Utilities and Engineering; Amy Hampton, Mental Health; Karen Hill, Social Services; Anna Koenig, Social Services; Cathy Lambert, Social Services; Brenda Mason, Mental Health; Kenneth Maynor, Finance; Natalie McBride, Mental Health; Joaine McKeel, Personnel; Carol McVean, Public Health; Christine Reynolds, Social Services; Teresa Walter, Library; and Sharon White, Public Health.

5. Presentations:

a. The Board proclaimed November 22-28, 2002 as Farm-City Week and Commissioner Hunsucker presented a Proclamation to Chairperson Vicky Collins and N. Fred Miller, Cooperative Extension Director.

Ms. Collins thanked the board for the proclamation and said the committee brings agriculture and city people together to promote agriculture and offer a better understand for each community. They will hold their annual banquet on November 26.

Mr. Miller encouraged the Board members to attend the banquet and the silent auction. Senator Albertson will be the guest speaker at the banquet.

b. The Board proclaimed November 8, 2002, as World Town Planning Day and Commissioner Barnes presented a Proclamation to Jacky Eubanks, Planning Director.

Mr. Eubanks recognized County Planner Mary K. George and Rich A. Hoffman, Assistant Planner and thanked them for the outstanding job they do on a daily basis for the citizens of Catawba County. He said the cities in Catawba County, staff, and the Board were invited to a celebration on Friday, November 8, 2002, 1:00 p.m. to 4:00 p.m. in the Government Center, second floor meeting room to celebrate World Town Planning Day.

c. The Board proclaimed the month November 2002 as Home & Hospice Care Month Proclamation and Commissioner Huffman presented the proclamation to Alice Layne, Home Health Program Manager.

Ms. Layne thanked the Board for its continued support.

6. Public hearing:

a. Order authorizing \$20,000,000 General Obligation Refunding Bonds.

Finance Director Rodney N. Miller said the Board of Commissioners, at its October 21, 2002 meeting, approved a resolution making certain findings, authorized the filing of an application with the Local Government Commission and appointed bond counsel and a financial advisor in connection with the proposed issuance of General Obligation Refunding Bonds of the County. A bond order was introduced and approved (on first reading) authorizing up to \$20,000,000 in General Obligation Refunding Bonds, and a public hearing was scheduled for November 4, 2002 to discuss the order. He said recent financial analysis shows that the County's current 1991, 1993 and 1994 General Obligation Bonds could be refunded to achieve greater than 3 percent net present value savings, a requirement of the Local Government Commission. At current interest rates, savings of greater than \$500,000 over 12 years are expected. The order will need a second reading after the required public hearing.

Chairman Ikerd announced that this was the hour and day fixed by the Board of Commissioners for the public hearing upon the order entitled "ORDER AUTHORIZING \$20,000,000 GENERAL OBLIGATION REFUNDING BONDS" and that the Board of Commissioners would immediately hear anyone who might wish to be heard on the questions of the validity of said order or the advisability of issuing said bonds.

There being no one wishing to speak Chairman Ikerd closed the public hearing.

Thereupon, upon motion of Commissioner Barnes, the order introduced and passed on first reading on October 21, 2002, entitled "ORDER AUTHORIZING \$20,000,000 GENERAL OBLIGATION REFUNDING BONDS" was read a second time and placed upon its final passage. The vote upon the final passage of said order was:

Ayes: Ikerd, Huffman, Barnes, Beatty, and Hunsucker.

Noes: N/A

Commissioner Ikerd then announced that the order entitled "ORDER AUTHORIZING \$20,000,000 GENERAL OBLIGATION REFUNDING BONDS" had been adopted.

The Clerk to the Board of Commissioners was thereupon directed to publish the aforementioned order, together with the appended statement as required by The Local Government Bond Act, as amended, once in *The Hickory Daily Record* and *The Observer-News-Enterprise*.

7. Appointments:

Industrial Facilities & Pollution Control Financing Authority

Commissioner Hunsucker made a motion for the reappointments of Philip Null for a fourth, six-year term and Diane Klein for a third, six-year term. He also recommended the appointment of Barry Whisnant, Whisnant & Co. CPA, 375 - 10th Ave Dr NE, Hickory, for a first, six-year term (replacing Paul Barringer). Terms will expire March 31, 2008. The motion carried unanimously.

8. Consent agenda:

County Manager J. Thomas Lundy presented the following consent agenda:

- a. Ratify staff action for approval of the use of the 1924 Courthouse Grounds for an Elizabeth Dole for Senate Campaign on Wednesday, October 30, 2002, from 10:00 a.m. until 12:00 p.m.
- b. Refund requests:

Six refund requests totaling \$1,896.82 were made to the Tax Office. The records were checked and the refunds verified. The Tax Collector requested approval of the refund requests.

REFUND REQUESTS – NOVEMBER, 2002

Barber, Anthony Rodman, 818 - 37th Avenue NW, Hickory, NC 28601, Account No. 124786

A 2002 discovery tax bill was sent for a boat not listed in Catawba County. This tax bill was paid. The owner has also paid 2002 Alexander County taxes on this same boat, requested a refund for the double-payment made.

<u>Year</u>	<u>Value</u>	<u>Rate</u>	<u>County</u> <u>Tax</u>	<u>Late-List</u> <u>Penalty</u>	<u>Total</u>
2002	18,400	.495	91.08	10% 9.11	\$ 100.19 *

* This is in the City Of Hickory.

Berndt, Kurt H + Helmi, 646 - 5th Street NW, Hickory, NC 28601-3612, Account No. 4350004

The owners have a boat that is kept at Lakeside Marina. They incorrectly double-paid 2002 taxes to Catawba County and to Alexander County on this boat and requested a refund from Catawba County.

November 4, 2002, MB#48

<u>Year</u>	<u>Value</u>	<u>County</u>		<u>Oxford Fire</u>		<u>Total</u>
		<u>Rate</u>	<u>Tax</u>	<u>Rate</u>	<u>Tax</u>	
2002	5,950	.495	29.45	.060	3.57	\$ 33.02

Cline, Nola S.. 3108 E NC 10 Hwy, Conover NC 28613, Account No. 13010200

It has been discovered Ms. Cline's home located on PIN 3760-09-16-0954.0000 was also listed on PIN 3750-08-97-8537.0000 which she owns. As a result, Ms. Cline has been double-taxed for her home. The 2002 tax bill has been corrected. Her taxes for prior years have been paid and Ms. Cline requested a refund for the amount of her double-payment.

<u>Year</u>	<u>Value</u>	<u>County</u>		<u>Claremont Rural</u>		<u>Total</u>
		<u>Rate</u>	<u>Tax</u>	<u>Rate</u>	<u>Tax</u>	
2001	80,200	.495	396.99	.070	56.14	453.13
2000	80,200	.495	396.99	.070	56.14	453.13
1999	80,200	.495	396.99	.070	56.14	<u>453.13</u>

TOTAL \$ 1,359.39

Parrish, Mark + Angel D., 7334 Hemphill Road, Hickory, NC 28602-9035, Account No. 50910800

In 1999 Mr. and Mrs. Parrish owned a 1992 Oakwood Mobile Home, size 14 x 70, located in Catawba County. Later that year the mobile home was moved to Alexander County. They paid the 2000 Catawba County tax bill. Upon garnishment of wages, it has been discovered and verified this mobile home has been listed and taxes paid in Alexander County since 2000. Mrs. Parrish requested a refund for their payment of 2000 taxes. The unpaid taxes for 2001 and 2002 have been released.

<u>Year</u>	<u>Value</u>	<u>County</u>		<u>Late-List</u>		<u>Total</u>
		<u>Rate</u>	<u>Tax</u>	<u>Penalty</u>	<u>Interest</u>	
2000	8,320	.495	41.18	4.12	.91	\$ 46.21 *

* This is in the City Of Hickory.

Teague, Bruce Nelson, 3331 - 3rd ST DR NW, Hickory, NC 28601-1021, Account No. 69103000

Mr. Teague incorrectly paid 2000 and 2001 taxes to Catawba County for a 1992 Bayliner Boat and two 1997 Seadoo Jet Skis. It has been verified these were listed and taxes paid in Brunswick County. A refund request for the incorrect payment was made to Catawba County.

<u>Year</u>	<u>Value</u>	<u>County</u>		<u>Late-List</u>		<u>Total</u>
		<u>Rate</u>	<u>Tax</u>	<u>Penalty</u>		
2001	24,340	.495	120.48	----		120.48
2000	27,200	.495	134.64	10%	13.46	<u>148.10</u>
TOTAL						\$ 268.58 *

* This is in the City of Hickory.

Whittington, J Howard + Bonnie O., 4715 Coronado Drive, Charlotte, NC 28212-4428, Account No. 74264400

A math error was discovered in the land pricing for PIN 4628-02-57-0825.0000. This resulted in an overpayment of taxes for 1999, 2000, and 2001. Mr. and Mrs. Whittington requested a refund for the applicable amount.

<u>Year</u>	<u>Value</u>	<u>County</u>		<u>Sherrills Ford</u>		<u>Total</u>
		<u>Rate</u>	<u>Tax</u>	<u>Rate</u>	<u>Tax</u>	
2001	5,600	.495	27.72	.040	2.24	29.96
2000	5,600	.495	27.72	.040	2.24	29.96
1999	5,600	.495	27.72	.032	1.79	<u>29.51</u>
TOTAL						\$ 89.43

- c. Transportation Contract with Piedmont Wagon. (Copy of contract on file in the Office of Purchasing Agent.)

The City of Hickory has operated the Piedmont Wagon for a number of years as the primary provider of public transportation in Catawba County. Catawba County Social Services has contracted with

Piedmont Wagon for several years to provide public transportation in the unincorporated areas of the County, and to service specific people who are eligible for various federal and state assistance programs. Social Services purchases vans with federal funds and Piedmont Wagon uses those vans and performs all operating functions associated with running a public bus service. The contract with Piedmont Wagon is for a four year period ending June 30, 2006. Piedmont Wagon will provide all operating functions, administration and grant writing support necessary to provide services in the rural area. Social Services will continue to secure grant and other funding to pay for the services and annual support in local funding (already part of the Social Services budget) will be capped at \$73,952 per year, unless Social Services acquires additional funds to provide additional trips. The City of Hickory and Piedmont Wagon incur no direct cost for providing this rural and client specific transportation service. The Transportation Advisory Board with representation from the County (Bobby Boyd) and the City of Hickory oversee the administration of the transportation services agreement and determine how to use any grant or surplus funding that may be received during the fiscal year.

RESOLUTION NO. 2002-28

AUTHORIZATION TO EXECUTE AGREEMENT WITH THE CITY OF HICKORY, NORTH CAROLINA, AS MANAGING AGENT FOR THE PIEDMONT WAGON CONSORTIUM FOR PROVISION OF CERTAIN RURAL TRANSPORTATION SERVICES

WHEREAS, Catawba County is charged with the provision of public transit services to participants in the Home and Community Care Block Grant Program, Medicaid Participants, both in and out of Catawba County, Elderly Disabled Transportation Assistance Program and the general public located outside the incorporated areas of Hickory, Newton, and Conover; and

WHEREAS, Catawba County and the City of Hickory, acting as Managing agent for the Piedmont Wagon Consortium have reached an agreement whereby the City of Hickory will operate and maintain Piedmont Wagon to provide rural transportation services to participants in the programs outlined above; and

WHEREAS, Catawba County desires to enter into the contract with the City of Hickory as Managing agent for the Piedmont Wagon Consortium to commemorate the agreement between the parties;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of Catawba County, North Carolina, sitting in open session this 4th day of November, 2002, at a regularly scheduled meeting of the governing body of said Council, duly called and posted in accordance with the statutes of the State of North Carolina, that the Chairman of the Board and County Manager are given the authority and direction to execute the agreement presented to the Board and to which this Resolution is attached and to see that the same is filed with the appropriate officers of Catawba County, North Carolina.

Done this 4th day of November, 2002.

/s/ W. Steve Ikerd, Chairman

d. Purchase of School Property - Hickory Public Schools.

On April 2, 2001, the Board of Commissioners approved funds for the purchase of property for Middle School "B." The future school site is 23.29 acres from six different property owners and the purchase price was estimated to be \$406,220, having a tax value of \$321,000. Four parcels are being acquired through condemnation. The Blake Foundation property was appraised at \$18,410 when condemnation was filed on March 26, 2001. The Blake Foundation has an appraisal of \$153,187. Through mediation, an agreement has been reached to pay \$42,254 for the property, which was approved by the Hickory Board of Education on October 28, 2002. An additional \$23,844 will be needed to close on the property. The purchase of the 2.63-acre Blake Foundation property will leave only one parcel, the 2.86-acre Berry property, yet to be settled. The funds to purchase land for Middle School "B" came from unspent funds in the College Park Renovations project in the School Bond Fund. The additional \$23,844 will also come from the unspent funds in the College Park Renovations project. The College Park Renovations project has an unspent balance of \$913,118.

The purchase price specified in said agreement, \$18,410, is hereby increased to \$42,254 to reflect increases in property value.

Transfers:

From:

427-750100-865300-32102-3-01	College Park Renovations	\$23,844
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To:

427-750100-865300-32111-1-01	Middle School "B"	\$23,844
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Commissioner Barnes made a motion to approve all items on the consent agenda. The motion carried unanimously.

End Consent Agenda

9. Departmental Reports:

a. Emergency Services:

1. Continuation of the Medical First Responder Pilot Program through Fiscal Year 2002-03.

Assistant County Manager Mick W. Berry said the comprehensive Emergency Services Strategic Plan completed in August of 2000 pointed out the need to better use the volunteer rescue squads as medical first responders who could provide treatment quickly before the EMS ambulance arrived on the scene. In response the Strategic Plan recommendation, the Board of Commissioners adopted an aggressive goal of 4minute medical first response county-wide.

To move toward accomplishing this goal, on July 1, 2002, a pilot program for Medical First Responders was established. This program consisted of tying budgets for the rescue squads directly to performance. The two Rescue Squads (Hickory and Claremont) that initiated the pilot project agreed to achieve an average response time of 6 minutes or less and 100% response with an EMT-D certified volunteer. In exchange for this enhanced level of response, the squads would be compensated \$25 per day and \$40 per call. If a squad failed to meet the goal, they would be in jeopardy of losing 20% of the operating funding they receive quarterly from the County. Initial funding (\$67,300) of the pilot came from savings accrued by the Sherrills Ford Rescue because the County supplied the squad with an ambulance instead of the squad purchasing a new ambulance.

For the purpose of the pilot, six minutes was established as the desired response time. Since the program began in July, the two participating rescue squads have reduced their response time from approximately 9½ minutes to an average of just over six minutes (6.02 minutes). More impressive than the 3½ minute reduction in average response time is the fact that 52% of all responses are less than six minutes with only 37% over six minutes. In addition, the number of calls unable to be responded to has decreased from 46% to 11%. During the three month period, Claremont Rescue has reduced their response times from 8½ minutes to its current average of 5.10 minutes, with 74% of their responses less than 6 minutes. Though not being funding by the County as the rescue squads are, Hickory Fire Department has been acting as a medical first respond for over a year and has a response time of just over 4 minutes.

As evidenced by the statistics, the pilot program has had tremendously positive results in the three-month trail period. The squads were able to take the additional funding and "hire" their volunteer members on an hourly basis to man their bases during the day when response times were typically very high. The success is also attributed to the effort of a part-time hourly position that was dedicated to helping the squads get organized, update training of members and learn how to use the new Internet reporting system. Given that four more squads will have to go through this same learning experience to expand the pilot and that the squad leadership is totally volunteer- the ongoing administrative support provided by the "rescue coordinator" will be critical to the successful expansion of the pilot project. The need for a rescue coordinator was also identified in the Strategic Plan as a high priority and the three-

month pilot has validated this recommendation. Therefore this proposal includes funds to pay administrative support for the rescue squads for the entire fiscal year.

Expanding the pilot program to the remaining four rescue squads (Sherrills Ford, Newton-Conover, Catawba, Maiden) will be done gradually, with squads coming on one at a time between November and February. While all four squads have expressed a desire to be in the pilot, both the squads and county staff are concerned that some squads may not have enough active or qualified members to increase the level of response. By phasing gradually, staff hopes to ensure their success and where not successful, work with the squads to develop partnerships with fire departments or other squads to provide the same high level of service consistently through out the county.

Funding for the continuation and expansion of the pilot program will come from increased revenue generated by the implementation of a National Medicare Fee Schedule. EMS and the Finance Department staff agree that the new revenue will be sufficient to fund this project. To assure funding is adequate, the expansion agencies will be phased in monthly, with new revenue monitored carefully to assure projections remain accurate. If funding is less than expected or changes drastically, the program expansion can be halted until funding is available. EMS Manager David Weldon worked closely with the pilot project and is in full agreement that expanding the pilot project is an excellent use of EMS revenues and meets the broader goal of excellent patient care as quickly as possible. Mr. Weldon will continue to work closely with the rescue coordinator as the pilot is expanded.

Mr. Berry said the Finance and Personnel Subcommittee recommended that the Board of Commissioners endorse the commitment of new revenue in the amount of \$175,031 to phase in participation of the remaining first responder rescue squads by the end of February 2003 (or as revenues are collected) and continue the administrative support of the hourly "rescue coordinator."

110-260150-671201	Ambulance Revenue	\$175,031
110-280100-812500	Part-time wages	38,240
110-280100-821100	FICA	2,925
110-260150-841010	Travel	2,800
110-190900-995240	Transfer to Rescue Squad Fund	\$131,066
240-260250-695110	From General Fund	\$131,066
240-26250-866256	Rescue Pilot	\$131,066

EMS Shift Supervisor Chad Lackey said the pilot program is working and they now have 32 members. They have one-third of the county and can now answer calls in the rural district. They also work with the City of Hickory. The City has a response time of four minutes and they have a response time of six minutes.

Mr. Berry recognized Maiden Rescue Chief Bob Poovey.

Commissioner Barnes praised the volunteers and Mr. Lackey for the pilot project.

Commissioner Beatty made a motion to approve the continuation of the Medical First Responder Pilot Program through Fiscal Year 2002-03. The motion carried unanimously.

b. Facilities:

1. Oxford Fire/Claremont Rescue Squad/EMS Base. (Copy of agreement between Oxford Fire Department, Claremont Rescue Squad, and Catawba County and Reinhardt & Beal Architects, Inc. is on file in the Office of Facilities Director and Purchasing Agent. The 35-year lease agreement between the City of Conover and Oxford Fire Protection Association, Catawba County and Claremont Rescue Squad, Inc. is on file in the Register of Deeds Office.)

Facilities Director Michael S. Talbert said on September 12, 2000, the Board of Commissioners received a strategic plan for Emergency Services. From that report, the Board

has committed to improve countywide response time, secure the best long-term use of facilities, and establish an advisory committee. Plans for future EMS base locations have been developed as a result of the plan. The Oxford area, with its growth, is the top priority for expansion. This proposed base would be built in conjunction with the Oxford Fire Department, which is adding a second station, to increase response and improve their ISO rating in the same area. Oxford Fire Department and Catawba County were to own this facility jointly. He said as of July 1, 2002, Oxford Fire Department had hired an architect, Reinhardt & Beal, and the initial design of the facility was almost complete. Catawba County EMS staff had all of their ideas incorporated into the design. Claremont Rescue Squad was working with the Oxford Fire Department about sharing space in the new facility. This discussion evolved to the point that Claremont Rescue Squad is now a full partner in the new building. An agreement with the architect in the amount of \$63,250 or 5% of the estimated project cost and the cost will be shared by the three agencies.

He said Reinhardt & Beal designed a new Oxford Fire Department/Catawba County EMS/Claremont Rescue facility at an estimated cost of \$1,328,250. The new building will be jointly owned and occupied -- Catawba County EMS will occupy 6,067 square feet or 47%, Oxford Fire Department will occupy 3,880 square feet or 30%, and Claremont Rescue will occupy 2,927 square feet or 23% of the 12,874 total square feet. Each agency will fund their share of the construction and architects fees based on occupancy. The 6,067 square feet owned by Catawba County will be physically separate from the rest of the building, with separate HVAC, electrical service and telephone. Oxford Fire Department and Claremont Rescue will share 6,807 square feet and there is a separate agreement for their shared space.

To meet a Board goal, the building is designed to minimize energy consumption and efficiently use natural resources. The new structure will incorporate energy saving electronic lighting ballast and T-8 lamps. A solar hot water heating system will be bid as an alternate, along with a backup generator.

The new facility will be located on Highway 16 North, adjacent to the Conover water tower. Originally, a lease was executed between Oxford Fire Department and the City of Conover for a term of 35 years. The City of Conover was not interested in the possibility of selling the land to Catawba County. Therefore, a new 35-year lease for \$1 per year is proposed between, Oxford Fire Department, Catawba County EMS, Claremont Rescue Squad and the City of Conover.

The Oxford Fire Department, Catawba County EMS, Claremont Rescue Squad will approve the revised architects contract based the their share of the facility and the lease with the City of Conover.

Oxford Fire Department has been approved by USDA - Rural Development to borrow up to \$425,000 to construction and equip this new facility. The IRS code requires that for such financing to be carried out on a tax-exempt basis, the Catawba County Board of Commissioners must approve the financing. The Fire Department held a required public hearing on Thursday, October 3, 2002.

Mr. Talbert said the Public Works Subcommittee recommended that the Board of Commissioners approve Reinhardt & Beal as architects for the project plus the design of the Oxford Fire/ Claremont Rescue Squad/ EMS facility, the approval of the 35-year lease with the City of Conover, and Resolution #2002-29 authorizing the financing.

RESOLUTION #2002-29

RESOLUTION APPROVING THE FINANCING BY OXFORD FIRE PROTECTION ASSOCIATION OF UP TO \$425,000.00 FOR NEW FIRE STATION PROJECT

WHEREAS, Oxford Fire Protection Association (the "Fire Department") has determined to finance an amount of up to \$425,000.00 for the construction of a new fire station. The United States Internal Revenue Code requires that for such financing to be carried out on a tax-

exempt basis, the Catawba County Board of Commissioners must first approve the financing. The Fire Department held a public hearing on Thursday, October 3, 2002, at 7:30 p.m. on the financing after published notice, as required by the Code. The Fire Department has reported the proceedings of such hearing to this Board.

BE IT THEREFORE RESOLVED by the Catawba County Board of Commissioners that it approves the Fire Department's entering into the financing, as required under the United States Internal Revenue Code for the financing to be carried out on a tax-exempt basis. The Fire Department's conduct of the required public hearing is approved.

This 4th day of November, 2002.

/s/ W. Steve Ikerd, Chairman
Catawba County Board of Commissioners

I hereby certify that the foregoing Resolution was duly adopted at a meeting of the Catawba County Board of Commissioners duly called and held on Monday, November 4, 2002, and that a quorum was present and acting throughout such meeting. Such resolution remains in full effect as of today.

Dated this 4th day of November, 2002.

/s/ Thelda B. Rhoney, Clerk of the Board

Mr. Marty Beal, Architect reviewed the floor plan and building materials.

Mr. Talbert recognized David Hedrick from the Oxford Volunteer Fire Department and David Weldon, Emergency Services Manager.

After a brief discussion, Commissioner Beatty made a motion to approve an agreement between Oxford Fire Department, Claremont Rescue Squad, and Catawba County and Reinhardt & Beal Architects, Inc.; a 35-year lease agreement between the City of Conover and Oxford Fire Protection Association, Catawba County and Claremont Rescue Squad, Inc.; and the aforementioned resolution approving financing. The motion carried unanimously.

c. Planning:

1. Catawba County Community Development Block Grant (CDBG) 2003 Scattered Site Housing Grant - a) Budget Ordinance; and b) Agreement with Western Piedmont Council of Governments. (Agreement on file in the Office of Planning Director and Office of Purchasing Agent.)

Planning Director Jacky M. Eubanks said Catawba County and its municipalities (excluding the City of Hickory – an entitlement community) will be eligible for a \$400,000 grant every three-years on a non-competitive basis (subject to availability of funds) to address housing needs of very low-income families. Each municipality will be required to sign a Local Government Participation Certificate in order to participate in the Scattered Site Project. The completed application must be submitted to the Department of Commerce, Division of Community Assistance (DCA) by January 6, 2003. the County is eligible for the \$400,000 subject to submittal of an application. A sum of \$10,000 can be earmarked for preparation of the official application and the Environmental Review Record (ERR). The WPCOG is proposing a fee of \$3,500 for preparation of the application and \$1,500 for the ERR. The Planning and Development Department will assist the WPCOG in the application process and overall administration of this grant. He said the Public Works Subcommittee recommended that the Board of Commissioners adopt a CDBG Scattered Site Project Budget Ordinance in the amount of \$10,000; and approve an Agreement between the WPCOG and Catawba County for the provision of Scattered Site Grant Application assistance.

**ORDINANCE NO. 2002-12
CATAWBA COUNTY'S PROJECT BUDGET ORDINANCE
FOR THE 2002-2003 CDBG SCATTERED SITE HOUSING PROGRAM
(CATAWBA COUNTY SCATTERED SITE HOUSING GRANT)**

Be it ordained by the County Commissioners of Catawba County that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted.

Section 1. The project authorized is the Community Development Project described in the work statement contained in the Grant Agreement (#02-C-0988) between this unit and the Department of Commerce. This project is more familiarly known as the 2002-2003 Catawba County Scattered Site Housing Grant.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant document(s), the rules and regulations of the Department of Commerce, and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project.

Revenues

Community Development Block Grant	\$10,000
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Section 4. The following amounts are appropriated for the project:

Expenditures

Planning(CDBG)	\$ 3,500
Administration(CDBG)	<u>\$ 6,500</u>
	\$10,000

Section 5. The Finance Officer is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the grant agreement(s) and federal and state regulations.

Section 6. Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement requests should be made to the grantor agency in an orderly and timely manner.

Section 7. The Finance Officer is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to this Board.

Section 9. Copies of this grant project ordinance shall be made available to the Budget Officer and the Finance Officer for direction in carrying out this project.

Adopted this the 4th day of November, 2002.

/s/ W. Steve Ikerd, Chairman
Catawba County Board of Commissioners

Attest:

/s/ Thelda B. Rhoney, County Clerk

Commissioner Huffman made a motion to adopt the aforementioned CDBG Scattered Site Project Budget Ordinance in the amount of \$10,000, and approve an Agreement between the WPCOG and Catawba County for the provision of Scattered Site Grant Application assistance. The motion carried unanimously.

10. Attorneys' Report:

- a. Landfill Property Purchase - Mauser Property.

County Attorney Robert Oren Eades said at the Board's retreat on November 12, 1999, McGill Associates presented a twenty-year Solid Waste Facility Master Plan for the County's Blackburn Landfill. The Board of Commissioners was informed that the Blackburn Landfill would reach capacity in September 2006 unless additional and adjacent properties were acquired. Neighboring land owned by Robert T., Charlotte E. and Sarah K. Mauser was identified along with other property as potential landfill expansion area to meet the County's long-term needs. Since the retreat, to date, property has been acquired from property owners Wilfong, Knox, Heavner, Mathis and Workman. The Mauser property is the last critical acquisition required to provide Catawba County with ample property for 25 years of solid waste disposal capacity.

The Mauser property consists of a total of 135.08 acres contained in two separate tracts. In late 2000, the County negotiated with the Mausers in an effort to purchase the needed property. Upon being unable to reach an agreement, the County initiated condemnation proceedings against the Mausers, but ultimately entered into a Consent Judgment whereby the County withdrew its condemnation action and the Mausers retained ownership of the property.

Attorney Eades said since the filing of the Consent Judgment, he and Commissioner Hunsucker have negotiated with the Mausers to purchase the property. The Mausers agreed to enter into an option which grants the County the option to purchase the property for \$1.5 million. The County has agreed to pay to the Mausers \$1,500 upon execution of the option agreement; this amount will be applied to the purchase price should the option be exercised. The agreed upon price per acre for the Mauser property is the same as the County paid to purchase the adjacent Wilfong property.

County staff has a proposal from McGill Associates to begin the Site Study of the Mauser Property in the amount of \$27,500 and a proposal from Bunnell-Lammons Engineering for the Site Hydrogeologic Investigations in the amount of \$40,600.

There will be no tax proceeds used in the purchase of the Mauser property, nor in the engineering and hydrogeologic investigations. All costs will be paid from the Solid Waste Reserve Fund, which is derived from solid waste tipping fees.

Under terms of the option, the County would have six months to determine whether the land could be used for landfill expansion. The County could then exercise the option on January 1, 2007, or upon the death of Charlotte Mauser if that occurred before January 1, 2007. The sellers would have the right to "call" the option at any time prior to that date, however, and the County would be obligated to purchase the property pursuant to the terms of the agreement.

County Attorney Eades said the option agreement has been presented to Mr. Mauser and Mr. Mauser is obtaining the needed signatures and is to return the agreement. Attorney Eades requested that the Board authorize the county to enter into the option agreement authorizing the chairman to sign the original option agreement when it is return; appropriate \$1,500 for payment for the option which will be credited towards the purchase price should the option be executed; and appropriation of \$70,600 for proposals from engineers for onsite testing for a total of \$72,100 that will come from the solid waste fund.

Transfer From	
525-350050-690100	\$72,100
Fund Balance Applied	
To	
525-350150-987000	\$ 1,500
Purchase of Land	
525-350150-856900	
Other Professional Services	\$70,600

OPTION TO PURCHASE

Prepared by and Return to:
Robert O. Eades
Patrick, Harper & Dixon, LLP
Post Office Box 218
Hickory, North Carolina 28603

STATE OF NORTH CAROLINA
COUNTY OF CATAWBA

THIS OPTION TO PURCHASE, made the ____ day of _____, 2002, by and between Robert T. Mauser, Sarah K. Mauser, and Charlotte E. Mauser, together hereinafter referred to as "Seller", and Catawba County, a North Carolina Body Politic, hereinafter referred to as "Buyer";

W I T N E S S E T H:

That Seller, for good and valuable consideration paid as set forth below, does hereby give and grant to Buyer, its assigns, or representatives, the exclusive right and option to purchase certain land, located in Jacob's Fork Township, Catawba County, North Carolina, and more particularly described as follows:

Tract One:

Lying and being in Jacobs Fork Township, Catawba County, North Carolina and being all of Tract 4 as shown on a plat entitled "Boundary Survey for Catawba County," prepared by J. Mike Honeycutt, Registered Surveyor, as the same is recorded in Plat Book 52 at Page 63, Catawba County Registry, to which reference is hereby made for greater certainty of description.

Tract Two:

Lying and being in Jacobs Fork Township, Catawba County, North Carolina and being all of Tract 5 as shown on a plat entitled "Boundary Survey for Catawba County," prepared by J. Mike Honeycutt, Registered Surveyor, as the same is recorded in Plat Book 52 at Page 63, Catawba County Registry, to which reference is hereby made for greater certainty of description.

The terms and conditions of this Option are as follows:

1. OPTION PRICE.

For the Option to Purchase granted by this Option Agreement, Buyer shall pay Seller \$1,500.00, payable upon execution of this Agreement by Buyer. Upon exercise of this Option, said \$1,500.00 shall be applied to the purchase price.

2. TERM.

This Option is exercisable by Catawba County upon the earlier of the death of Charlotte E. Mauser or on 1 January 2007. However, at any time prior to exercise of this Option by Buyer, Seller may by written notice to Buyer call this Option. Upon receipt of such notice, Buyer will be obligated to purchase the property pursuant to the terms set forth below.

3. OPTION TO PURCHASE.

The exercise of this Option shall be by delivery of written notice from Buyer to Seller.

4. DELIVERY OF DEED.

Seller shall execute and deliver to Buyer at closing, a General Warranty Deed conveying marketable, fee simple title to the property free and clear of all encumbrances except those restrictions, covenants, and easements of record agreed to by Buyer. Each party further agrees to execute any and all documents or papers that may be necessary or appropriate at closing, or thereafter, to effectuate the terms and conditions set forth in this Contract.

5. CLOSING.

Closing shall be at such place and time as is designated by Buyer within sixty (60) days from the date of delivery of the notice as required by Paragraph 3 above unless extended by mutual agreement of the parties.

6. PURCHASE PRICE.

The "Purchase Price" shall \$1,500,000.00 plus an amount equal to the interest earned by Buyer on \$1,500,000.00 from the effective date of this Option Agreement to the date Buyer exercises its Option. For purposes of this Agreement, the interest earned shall be calculated by determining the average rate Catawba County earned on its funds deposited in The North Carolina Capital Management Trust during the relevant time period.

7. WARRANTY.

Seller warrants and represents that it has the authority to grant this Option and that it has marketable fee simple title to the property free and clear of all liens, claims, and encumbrances.

Buyer warrants and represents that it has the authority to purchase this Option and to enter into this Option Agreement.

8. ENVIRONMENTAL MATTERS.

Seller, and, to Seller's knowledge, any other person or entity for whose conduct it is or may be held responsible, has no material liability under, has never violated in any material respect, and is presently in compliance in all material respects with all federal, state and local environmental laws applicable to this real property owned by Seller.

9. BREACH.

The breaching party agrees to pay all costs, expenses and reasonable attorney's fees that may be incurred or paid by the non-breaching party in enforcing the covenants and agreements of this Contract.

10. USE.

Buyer plans to assess the suitability of the property for use by Buyer as a solid waste landfill. Buyer's obligation to purchase the property is contingent upon Buyer's determination, in its sole discretion, that the property is suitable for landfill purposes. Buyer shall have six months from the effective date of this Option Agreement to make such determination. If Buyer determines the property is not suitable for use as a solid waste landfill, Buyer will so notify Seller and will, in Buyer's sole discretion, either terminate this Option Agreement or choose to keep the Option Agreement in place. If Buyer chooses to keep the Option Agreement in place, Buyer's decision to do so will waive the landfill suitability contingency of this Option Agreement.

11. INSPECTIONS.

Buyer, its agents or representatives, shall immediately have the right to enter upon the Property for the purpose of inspecting and examining the property, installing and monitoring test wells, performing soil borings, other testing and surveying of the property, and other similar activities which, in the sole discretion of Buyer, are necessary to evaluate the suitability of the property for use as a landfill. In conjunction with such activities, Buyer, its agents or representations, shall have the right to cut timber, clear brush, or otherwise prepare a site for testing activities. Buyer assumes all responsibility for the acts of itself, its agents or representatives in exercising its rights under this paragraph and agrees to hold Seller harmless from any damages resulting therefrom.

12. SELLER'S CONTINUED USE.

During the period of the Option, and, after purchase of the property, upon approval of the County, Seller will be allowed to harvest a particular stand of Poplar timber; use pastures located on the property; work particular fields located on the property; and use Wilfong Road for access to the property. Seller's continued use of the property must cease when the County determines that such use interferes with the use or preparation of the property for landfill operations, including testing or any other activity related to the landfill. The attached Exhibit A depicts the location of the Poplar timber, pastures, and fields.

13. RENTAL PROPERTY.

Seller will be allowed to retain ownership of a rental house and associated land located adjacent to the property, but which was, on earlier maps, shown as a part of the property to be acquired by Catawba County. The attached Exhibit A depicts the location of said house and land.

14. POTATO HOUSE.

Buyer will move the potato house located on the property to a more suitable location, such as the Murray's Mill complex. The potato house is noted on the attached Exhibit A.

15. SELLER'S COOPERATION.

Neither Buyer, Buyer's family, nor Buyer's agents will oppose in any way Catawba County's use of the property as a landfill or the County's application for any needed permits, approvals or authorizations for construction or operation of such landfill.

16. COSTS.

Buyer will be responsible for its own costs, including legal counsel, accountants and other advisors incurred in connection with its sale of the property to Catawba County.

17. NOTICE.

All notices to be given hereunder shall be personally delivered or sent by registered or certified mail, return receipt requested, with postage prepaid, to the parties at the following addresses or to such other or further addresses as the parties may hereafter designate by like notice similarly served.

- | | | |
|-----|-------------------------|---|
| (a) | If intended for Seller: | Robert T. Mauser

_____ |
| (b) | If intended for Buyer: | Robert O. Eades, Esq.
Patrick, Harper & Dixon, LLP
Post Office Box 218
Hickory, North Carolina 28603 |

Any notice given hereunder shall be deemed given on the date of delivery or on the date and at the time set forth on the registry receipt by the U.S. Postal authorities, as the case may be.

18. MISCELLANEOUS.

- A. This Option Agreement, and any exhibits attached hereto embody the entire agreement between the parties in connection with this transaction and there are no oral or parole agreements, representations or inducements existing between the parties relating to this transaction which are not expressly set forth herein and covered hereby; this Option Agreement may not be modified except by a written agreement signed by all of the parties.
- B. This Option Agreement shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, legal representatives, administrators, executors, successors, successors in interest and assigns.
- C. The captions, section numbers and article numbers appearing in this Option Agreement are inserted only as a matter of convenience and do not define, limit, construe or describe the scope of such paragraphs or articles of this Option Agreement nor in any way affect this Option Agreement.
- D. This Option Agreement shall be governed by and interpreted in accordance with the laws of the State of North Carolina.
- E. Time shall be of the essence of this Option Agreement and each and every term and condition thereof.

- F. At the election of either party, a memorandum of this agreement shall be executed by both parties and recorded in the office of the Register of Deeds in the County where the Premises are located. If this Option Agreement is terminated, the parties shall cooperate with each other and each warrants it will take such actions as are necessary to remove said memorandum from the Land Registry.

SELLERS:

Robert T. Mauser

Sarah K. Mauser

Charlotte E. Mauser

BUYER:

CATAWBA COUNTY, a North Carolina
Body Politic

By: _____

THIS INSTRUMENT has been preaudited in the manner required by the Local Government Budget and Fiscal Control act as amended.

Date: _____
Rodney Miller, Finance Director

APPROVED AS TO FORM:

Date: _____
Robert Oren Eades, Attorney for the County

NORTH CAROLINA
CATAWBA COUNTY

I, _____, a Notary Public for said County and State, do hereby certify that Robert T. Mauser personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal or stamp, this the ____ day of _____, 2002.

(Official Seal)

Notary Public
My Commission Expires: _____

NORTH CAROLINA
CATAWBA COUNTY

I, _____, a Notary Public for said County and State, do hereby certify that Sarah K. Mauser personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal or stamp, this the ____ day of _____, 2002.

(Official Seal)

Notary Public
My Commission Expires: _____

NORTH CAROLINA
CATAWBA COUNTY

I, _____, a Notary Public for said County and State, do hereby certify that Charlotte E. Mauser personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal or stamp, this the ____ day of _____, 2002.

(Official Seal)

Notary Public
My Commission Expires: _____

NORTH CAROLINA
CATAWBA COUNTY

I, _____, a Notary Public, certify that _____ personally came before me this day and acknowledged that he (or she) is _____ of Catawba County, a North Carolina Body Politic, and that he (or she), as _____, being authorized to do so, executed the foregoing on behalf of the corporation.

Witness my hand and official seal, this the ____ day of _____, 2002.

(Official Seal)

Notary Public
My Commission Expires: _____

After a brief discussion, Commissioner Hunsucker made a motion that the Board authorize the county to enter into the option agreement authorizing the chairman to sign the original option agreement when it is return; appropriate \$1,500 for payment for the option which will be credited towards the purchase price should the option be executed; and appropriate \$70,600 for proposals from engineers for onsite testing for a total of \$72,100 that will come from the solid waste fund. The motion carried unanimously.

- b. County Attorney Eades said the engineering firm of CDM is working on a study of the existing Blackburn Landfill, and other potential sites for the expansion of the landfill, so that staff can present the information to the board to comply with the statute that requires the board to consider alternate sites, socioeconomic and demographic information. He said that information will be forthcoming at the November 15, 2002, Fall Planning Retreat and then at the November 18, 2002, regularly scheduled Board meeting.

11. Manager's Report.

- a. County Manager J. Thomas Lundy requested a Closed Session pursuant to North Carolina General Statute 143-318.11 (a) (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. He said he did not anticipate any action following the closed session.

At 10:30 a.m., Commissioner Huffman made a motion to recess into Closed Session, pursuant to North Carolina General Statute 143-318.11 (a) (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations.

At 10:50 a.m., Commissioner Beatty made a motion to return to open session. The motion carried unanimously.

12. Other items of business. None.

13. Adjournment.

At 10:50 a.m., there being no further business to come before the Board, Commissioner Hunsucker made a motion to adjourn. The motion carried unanimously.

W. Steve Ikerd, Chairman
Catawba County Board of Commissioners

Thelda B. Rhoney
County Clerk